

MADISON COUNTY COURTS OF RECORD

County of Madison, Indiana

Local Rules

Effective: 01/01/2007

50TH JUDICIAL CIRCUIT

State of Indiana

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STATE OF INDIANA)
)
COUNTY OF MADISON)

IN THE MADISON COUNTY
COURTS

2006 TERM

ORDER

Pursuant to inherent authority and Indiana Rules of Court, Trial Rule 81, the Madison County Courts hereby adopt and promulgate the attached Local Rules of Court.

The Madison County Clerk is directed to include said Local Rules of Court in the Record of Judgments and Orders, to provide a copy to the members of the Madison County Bar, and, pursuant to Trial Rule 81, to submit two (2) copies to the Clerk of the Indiana Supreme and Appellate Courts.

SO ORDERED THIS ____ DAY OF _____, 2006

Dennis D. Carroll, Judge
Superior Court of Madison County
Division I

Fredrick Spencer, Judge
Madison Circuit Court

Jack L. Brinkman, Judge
Superior Court of Madison County
Division II

David W. Hopper, Judge
Madison County Court
Division I

Thomas Newman, Jr., Judge
Superior Court of Madison County
Division III

Thomas Clem, Judge
Madison County Court
Division II

ADMINISTRATIVE RULES

LR48-AR00-01 COURT CLOSINGS

When the County Commissioners close the Government Center due to inclement weather or other reason, all Court Offices shall be closed unless specifically otherwise ordered by the presiding Judge.

LR48-AR00-02 DIVISIONS OF THE SUPERIOR AND COUNTY COURTS

The Madison Superior Court shall consist of Divisions I, II and III. The Madison County Court shall consist of Divisions I and II.

LR48-AR00-03 ESTABLISHMENT OF UNIFIED COURTS AND CHIEF JUDGE

- A. In the interest of judicial efficiency, Superior Court Divisions I, II and III and County Court Divisions I and II shall form the Unified Courts of Madison County, utilizing a common budget, public defender services, and sharing other resources as deemed necessary. The Judges of the Superior and County Courts shall comprise the administrative board of the Unified Courts.
- B. There shall be a Chief Judge of the Unified Courts who shall automatically be selected on the following rotation schedule:

Presiding Judge of Superior Court I (beginning 1/1/98)
Presiding Judge of County Court I
Presiding Judge of Superior Court II
Presiding Judge of County Court II
Presiding Judge of Superior Court III

Thereafter, the Chief Judge shall continue to be selected and serve pursuant to this schedule. The term of the Chief Judge shall be one year, beginning January 1 and ending on December 31 of

year of service. In the event a designated Chief Judge is unavailable to serve as Chief Judge, the previous year's Chief Judge will assume Chief Judge duties if the vacancy occurs before June 30. If the vacancy occurs subsequent to June 30, the Chief Judge for the subsequent year shall assume the duties of Chief Judge.

C. Each Division of the Court shall maintain its own chronological case summary (CCS), record of judgment and orders (RJO), and calendar.

D. The staff of each Division shall report to the presiding Judge of that Division and shall not be considered an employee of any other division.

E. All actions affecting the five divisions shall require the consent of a majority of the Unified Court Judges.

LR48-AR00-04 COURT ADMINISTRATOR

A. The Presiding Judges of the Unified Courts shall appoint a Director of Court Administration who shall have such duties and responsibilities as are assigned by said Judges.

B. The presiding Judges shall appoint other Directors and Administrators as may be necessary to carry on the business of the Court. Employees of the various divisions shall be selected by said Directors with the advice and consent of the Judges.

LR48-AR00-05 JURISDICTION OF DIVISIONS

A. The Madison Superior Courts exercise exclusive juvenile jurisdiction and unlimited, co-extensive jurisdiction with the Madison Circuit Court in all other matters. Pursuant to the Court's enabling act, any action may be filed in the Madison Superior Court notwithstanding a statutory directive that certain special proceedings be filed in the Circuit Court. (See *State ex re. Indiana Life v. Superior Court of Marion County*, 399 N.E.2d 356).

B. Dockets for each division of the Unified Courts shall be assigned as follows:

Civil dockets	Divisions I, II and III of Superior Court; Divisions I and II of County Court.
Criminal dockets	Divisions I and III of Superior Court; Divisions I and II of County Court.
Probate dockets	Divisions I and III of Superior Court
Juvenile dockets	Division II of Superior Court.

C. Civil cases may be filed in any appropriate division. Division selection in criminal cases will be effectuated randomly by the Clerk of the Court, in accordance with LR48-CR2.2-13.

D. Requests for Trial De Novo filed in a Superior Court shall automatically be transferred by the Madison County Clerk to the Madison County Circuit Court.

LR48-AR00-06 WHEN OTHER JUDGES PRESIDE

Whenever the Judge who presides in any Court is absent or cannot, for any reason, hear any cause pending in such Court or issue any emergency order in connection therewith, any other Judge of a Court may preside in such division, and for such purpose shall be considered to be the Judge of that Court to transact business therein.

LR48-AR00-07 CASELOAD PLAN

A. In compliance with Administrative Rule 1(E), the following chart reflects the directed jurisdictional caseload allocation for the Madison County Courts of Record. No part of this rule shall prohibit the transfer of individual cases to promote efficiency, fair distribution, or the timely resolution of cases.

CASELOAD ALLOCATION						
	Superior I	Superior II	Superior III	Circuit	County I	County II
Case Type						
MR	33.33%		33.33%	33.33%		
FA	33.33%		33.33%	33.33%		
FB	33.33%		33.33%	33.33%		
FC	33.33%		33.33%	33.33%		
FD				20%	40%	40%
CM					50%	50%
MC						
PL						
MF	33.33%		33.33%	33.33%		
CC						
CT						
SC						
DR (Pro se)	25%	25%	25%	25%		
RS						
MH				100%		
AD						
ES/EU						
GU						
TR						
PO	25%		25%		25%	25%
MI						
OV						
JC		100%				
JD		100%				
JS		100%				
JP		100%				
JM		100%				
JT		100%				

LR48-AR15-08 COURT REPORTER SERVICES

A. Definitions. The following definitions shall apply under this local rule:

1. *Court Reporter*: a person who is specifically designated by a court to perform the official court reporting services for the court, including preparing a transcript of the record.
2. *Equipment*: all physical items owned by the court or other governmental entity

and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording, storing, and transcribing electronic data.

3. *Work space*: that portion of the court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.

4. *Page*: the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure VII B.

5. *Recording*: the electronic, mechanical, stenographic, or other recording made as required by Indiana Rule of Trial Procedure 74.

6. *Regular hours worked*: those hours which the court is regularly scheduled to work during any given work week.

7. *Overtime hours worked*: those hours worked in excess of forty (40) hours per work week.

8. *Work week*: means a seven (7) consecutive day week that consistently begins and ends on the same day throughout the year.

9. *County indigent transcript*: a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.

10. *State Indigent transcript*: a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a court.

11. *Expedited transcript*: a transcript that is required to be completed in three days or less.

B. Salaries and Per Page Fees.

1. Court Reporters shall be paid an annual salary for time spent working under the control, direction, and direct supervision of their supervising Judge during regular work hours or overtime hours. The supervising Judge shall enter into a written agreement with the court reporter which outlines the manner in which the court reporter is to be compensated for overtime hours.
2. The maximum per page fee a court reporter may charge for the preparation of a non-expedited transcript shall be \$4.00 per page. However, the Court may authorize up to \$5.00 per page for expedited transcripts.
3. A minimum fee up to \$35.00 per transcript is permissible.
4. Index and Table of Contents pages should be charged at the per page rate being charged for the rest of the transcript.
5. An additional labor charge equal to the court reporter hourly court salary will be charged for the time spent binding the transcript and the exhibit binders.
6. A Court Reporter shall not be compensated for transcripts prepared during regular working hours. Private transcripts shall not be prepared during regular working hours.
7. A reasonable charge for the office supplies required and utilized for the binding and electronic transmission of the Transcript, pursuant to Indiana Rules of Appellate Procedure 28 and 29, is permissible. The costs for these supplies should be determined pursuant to a Schedule of Transcript Supplies which should be established and published annually by the Judge or Judges of the county.
8. At separation of employment, the court reporter forfeits all future claim to income derived from requested copies of previously typed transcripts.

9. Upon payment for an indigent transcript, the court reporter shall transfer the original floppy disk (or other electronic media) containing the fully transcribed record to the custody of the court.

C. Private Practice.

1. If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, and the court reporter desires to utilize the court's equipment, workspace, and supplies, and the court agrees to the use of the court equipment for such purposes, the court and the court reporter shall enter into a written agreement which must, at a minimum, designate the following:

- a. The reasonable market rate for the use of equipment, work space and supplies;
- b. The method by which records are to be kept for the use of equipment, work space and supplies, and
- c. The method by which the court reporter is to reimburse the court for the use of the equipment, work space and supplies.

2. If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, all such private practice work shall be conducted outside of regular working hours.

D. Relevant Indiana Statutes and Trial Rules.

Pertinent Indiana Statutes and Indiana Rules of Court regarding the Unified Court policy regarding the transcription of court proceedings are as followings:

I.C. 33-5-33.1-8, Appointment of personnel. The court may appoint,...court reporters,...to transact the business of the court. The persons so appointed shall perform such duties as prescribed by the court.

I.C. 33-15-23-1, Appointment and duties of official reporters. The Judge of each ... Superior Court ... shall appoint an official reporter.

I.C. 33-15-23-5, Transcript of proceedings. Whenever ... such reporter shall be requested to do so (they) shall furnish to either party a transcript of all or any part of said proceedings required by (them) to be taken,... and it shall be (their) duty to furnish the same in ... typewriting ... and shall certify that it contains all the evidence given in the cause.

Trial Rule 74 (A), Court reports. The Judge may authorize or direct the court reporter or any other responsible, competent person, in his discretion, to make a transcription from such recordings, and the same shall be certified by the person making said transcription.

E. Court Transcription Policy.

1. Any person who is a court reporter or any other responsible person directed to prepare certified transcripts of court proceedings shall be administered a court reporter's oath before said person is entitled to prepare certified transcripts of proceedings.

2. Only Court employees are authorized to make certified transcriptions from recordings for the purpose of facilitating and expediting the trial of causes and appeals.

3. The court reporter or other designated person causing a matter to be recorded shall have the first right of refusal to prepare any necessary certified transcriptions from said recording.

a. If the person with the first right of refusal to prepare a certified transcript declines to prepare said transcript, then other competent persons in the court of said recording's origination shall have, on a rotating basis, the next right of refusal to prepare said certified transcript.

- b. If no person in the originating court exercises their option to prepare said certified transcript, then the person who caused the matter to be recorded shall select from a list maintained by Court Administration another responsible and competent person employed by the Courts to prepare said certified transcript.
- 4. Court Administration shall be notified by transcript preparers of the beginning and completion of transcripts.
- 5. The person who prepares the certified transcript from recordings shall be the person who certifies the transcript as being complete and accurate.
- 6. All court reporters must use the same invoice for submission of payment (format on file in court administration).
- 7. The invoice must be accompanied by a copy of the transcript (to verify page numbers) and the minute entry approving the transcript.
- 8. The transcript shall be certified by the Court Administrator and signed by the judge of the court of origination unless the originating judge does not require the transcript to be first approved.
- 9. The payroll administrator will make a docket entry indicating the court reporter, number of pages, per page price, and total amount due once the invoice is submitted to Court Administration.

LR48-AR10-09 PLEADING REQUIREMENTS

- A. Filings shall comply fully with the provisions of Trial Rule 77 and Administrative Rule 9 regarding confidentiality .

Commentary: It is not the intention of this rule for all pleadings to be copied to green paper prior to filing. Only confidential information should be listed separately on green paper at filing. A recommended form that conforms with Administrative Rule 9 requirements is on file in Court Administration.

B. Number of Copies

Parties shall provide the Court with a sufficient number of pleadings and proposed orders as provided by Exhibit A, attached and made a part hereof. Failure to provide sufficient copies will result in a Chronological Case Summary entry being made showing pleadings filed but with no action taken nor distribution made. When pleadings or proposed orders are filed by mail or left with the court for filing, a self-addressed, stamped envelope shall be included for return of documents to the attorney.

C. Signature on Pleadings

All pleadings to be signed by an attorney shall contain an original written signature of the attorney, printed name, attorney number, firm name (if applicable), mailing address, telephone number, and a designation of the party for whom the attorney appears.

D. Distribution Lists

All documents for which distribution is requested shall include a distribution list at the end of document. Distribution may not be made to parties not included on the distribution list.

E. Certificates of Service

Certificates of Service which are required by the trial rules shall set out with specificity the names of the lawyers or litigants who have been served. The generic and generalized language “served upon counsel of record” shall not be acceptable compliance with the trial rule.

F. Two-Sided Pleadings

Two-sided pleadings, motions, orders or decrees will not be accepted with the exception of court-approved forms relating to small claims matters.

G. Caption Requirement

In any matter being heard by special judge, magistrate, senior judge, or other judicial officer who is not the regular judge, the judicial officer's name shall appear in the caption, and below the cause number as follows:

“Before Hon. _____”
(Title – Special Judge, etc...)

H. Adequate Notice to Court

A copy of any pleading or motion filed less than five days before a scheduled hearing shall be served personally upon the presiding Judge of the case.

LR48-AR00-10 BENCH TRIAL AND MEDIATION

All bench trials expected to last a full day or more shall be referred to mediation unless for good cause shown.

LR48-AR00-11 USE OF REGULAR JUDGE'S MECHANICALLY STAMPED SIGNATURE

- A. The regular Judge's mechanically stamped signature may be utilized by Court staff and appointed judicial officers designated by the regular judge.
- B. Such use shall include, but not be limited to: Notices of Hearing, Orders to Appear, Travel permits when approved by a probation officer, Orders for continuance of proceedings, and other Administrative Orders, following the Judge's oral or dictated directive to do so. Court staff or appointed judicial officers utilizing a mechanically stamped signature must place their initials next to the stamped signature on the original document.
- C. Such use shall include the countersignature of the regular Judge, required on any action

taken by a Magistrate, regular Court Commissioner, IV-D Commissioner or Referee, providing the original signature of the Magistrate, regular Court Commissioner, IV-D Commissioner or Referee appears on the original of the instrument or document.

D. The Senior Court Reporter of each Court shall maintain a list of those staff members and appointed judicial officers having use of a mechanically stamped signature device.

LR48-AR00-12 TIMEKEEPING AND COMPENSATION POLICIES AND PROCEDURES

The Courts of Madison County shall adhere to and follow the "Ordinance #2001-BC-0-14" adopted by the Madison County Board of Commissioners on October 16, 2001 regarding timekeeping and compensation policies and procedures to the extent that this, or any other county personnel policies or procedures, are not inconsistent with any specific rules adopted by the Judiciary.

CRIMINAL RULES

LR48-CR2.2-13: CRIMINAL DOCKET'S (ASSIGNMENT)

SECTION I.

All felonies and misdemeanors filed in the Madison County Courts of Record shall be assigned and docketed in accordance with this Rule.

Charges shall be filed and assigned pursuant to Section II, if applicable. If Section II is not applicable, charges shall be filed and assigned in accordance with Section III.

Cases with multiple defendants or with co-defendants shall be considered one case for filing purposes and shall be assigned to a single court, although each defendant may be given a separate cause number.

SECTION II.

If jurisdiction exists in said Court, new felony and misdemeanor charges shall be filed in the Court where other charges are pending against the defendant or where the defendant is on probation or otherwise under supervision.

SECTION III.

Capital cases, life without parole cases, Class A felonies, Class B felonies and Class C felonies shall be randomly filed in Circuit Court, Superior Court I and Superior Court III. Class D felonies and misdemeanors shall be randomly filed in County Court, Division I (40%); County Court, Division II (40%); and Circuit Court (20%).

SECTION IV.

When a case requires a change of Judge, the Clerk shall randomly select a new Judge from the remaining judges exercising comparable jurisdiction. The Clerk shall so notify the new Judge of the appointment as Special Judge. If a selected Special Judge is unable to accept jurisdiction due to conflict of interest, or the Special Judge is later disqualified, the Clerk shall select a successor Special Judge at random from the remaining Judges of Circuit, Superior and County Courts exercising criminal jurisdiction.

SECTION V.

A. A “Drug Court” is established to provide specialized services including intensive treatment, supervision and accountability for specified defendants and probationers where it appears that the defendant or probationer’s addiction to controlled substances and/or use of drugs has substantially contributed to the defendant’s status or charges pending.

B. Drug Court policy and procedures shall be established from time to time by rule or order

signed by a majority of the Judges of the Superior and County Courts exercising criminal jurisdiction. The day-to-day operation and management of the Drug Court shall be assigned to a Judge of a County or Superior Court by majority vote of the Judges of the County and Superior Courts. The initial assignment shall be to the presiding Judge of the Madison County Court, Division I.

C. All criminal charges shall be filed as provided in sections I through IV. However, after a charge has been filed, a presiding Judge may, upon application of a defendant, and with the consent of the State of Indiana and the Drug Court Judge, temporarily transfer supervision of the defendant to the Drug Court for such other orders and services as may be appropriate. No defendant may remain ~~in~~ under Drug Court supervision for more than 36 months without the consent of the State of Indiana and the referring Judge. The Drug Court Judge may direct, at any time, that Drug Court intervention be terminated and that the defendant be returned to the original referring court for trial setting or other proceedings.

D. The time during which a defendant is supervised ~~in~~ the Drug Court will be charged to the Defendant for purposes of Criminal Rule 4.

E. Subject to acceptance by the Drug Court Judge, a presiding Judge may require a probationer to participate in Drug Court treatment and supervision as a condition of a suspended or partially-suspended sentence.

LR48-CR00-14 FELONY BOND SCHEDULE

A. Unless otherwise ordered by a court, bail on felony charges shall be as follows:

<u>Felony Class</u>	<u>Amount</u>
Murder (35-42-1-1)	Non-bondable
A Felony	\$35,000.00
B Felony	\$20,000.00
C Felony	\$10,000.00
D Felony	\$ 5,000.00

B. If Defendant's residence (or usual place of abode) is within the State of Indiana, but outside Madison or its contiguous Counties, bond shall be doubled.

C. If Defendant's residence (or usual place of abode) is outside the State of Indiana, bond shall be tripled.

D. If defendant, at the time of arrest, is on parole or probation, or is free on bail awaiting trial on other charges, he shall not be admitted to bail per this schedule, but shall be brought before a judge or criminal magistrate of the County on the next regular day of Court who shall set bail or order other disposition. (The presiding judge, if available, of the Division in which charges have been filed shall determine bail.)

JURY RULES

LR48-JR02-15 APPOINTMENT OF JURY ADMINISTRATOR

A. Pursuant to Indiana Jury Rules, the position of Unified Court Jury Administrator is created and shall be selected by majority vote of the Madison County Unified Court Judges, who shall assign to said administrator such duties as they may designate from time to time, together with those prescribed by the Indiana Jury Rules.

LR48-JR04-16 JURY PANELS

The panel of potential jurors shall be derived from the Madison County portion of the Statewide Master Jury List reflecting the combined records of Bureau of Motor Vehicles and Department of Revenue or such additional records as may be designated.

FAMILY LAW RULES

LR48-FL00-17 FINANCIAL DECLARATIONS/SUPPORT WORK SHEETS

Financial Declarations on forms adopted by the Court and Indiana Child Support worksheets shall be completed in full, dated and filed prior to trial in all contested matters involving child support or disposition of assets. Financial Declarations, with current pay stub attached, shall be filed with the Court two (2) days before any preliminary or final hearing. Child support worksheets shall be filed with the Court on the hearing date. Absent objection, the financial declaration shall be considered as received in evidence subject to cross-examination. Direct examination on matters in the financial declaration shall be confined to unusual items or factors requiring explanation or correction.

LR48-AR00-18 CHILDREN AND DISSOLUTION PROCEEDINGS

A. In all dissolution actions where there are minor children of the marriage, the Petitioner and Respondent shall separately attend a dissolution education workshop approved by the court.

Seminars must be completed within thirty (30) days after a petition for separation or dissolution is filed.

B. Children over the age of 6 and under the age of 17 shall attend the court approved dissolution education program for minor children.

C. Seminar scheduling shall be arranged with the Office of Court Administration (phone 641-9503), Room 417, Courthouse, Anderson, Indiana. Each party shall pay a fee of twenty five dollars (\$25.00) for the dissolution education seminar. The parties shall equally divide the cost of ten dollars (\$10.00) per child (not to exceed twenty dollars (\$20.00) per family) for the dissolution education seminar for children. Seminar fees may be deferred upon a showing of indigence. The Clerk shall maintain a trust account for the collection of these fees and said fees shall be disbursed by Court order.

D. The Clerk shall bring this rule to the attention of all dissolution petitioners and shall collect the petitioner's fee at the time of filing. The respondent's fee is due at the time of scheduling. The Clerk shall cause a copy of the rule to accompany the summons for service upon respondents.

E. Failure to comply with this rule may be considered civil contempt, and may delay the issuance of a final decree.

F. Upon its own motion or upon the motion of a party, the Court may require compliance in all cases involving the custody of children or in redocketed cases.

TRIAL RULES

LR48-TR53-19 OFFICE STAFF, REFEREES, MASTER COMMISSIONERS, SENIOR JUDGES, AND MAGISTRATE

A. Each presiding Judge shall appoint appropriate office staff pursuant to statute. If a Judge shall appoint a Commissioner, Referee or Master Commissioner, then said Judge shall define said responsibility of said appointee. A Commissioner, Referee or Master Commissioner shall not have jurisdiction over or be allowed to conduct hearings of any type in matters filed in divisions of Superior Court in which they are not employed.

COURT COMMISSIONERS

B. Preliminary matters may be scheduled on a Commissioner's calendar. There shall be no automatic right to have preliminary matters set on the calendar of the presiding Judge or removed from the Commissioner's calendar to the Judge's calendar.

SENIOR JUDGES

C. Senior Judges who are assigned to a court shall serve the court as deemed appropriate by the Court's presiding Judge. Said service may include assignment to specific cases, to specialized cases or to all cases placed on the Senior Judge's calendar (See also Supreme Court Administrative Rule 5).

COUNTY COURT JUDGES AS COMMISSIONERS

D. Judges of the Madison County Court shall be appointed Civil and Criminal Commissioners for the Madison Superior Court. Said Commissioners shall be authorized to sit

in any division and shall devote such time as their calendars will permit to the work of the Superior Court.

MAGISTRATE

E. Pursuant to I.C. 33-33-48-7.5, the Judges of the Madison Superior Court shall appoint a full-time, state-paid Magistrate and assign to said Magistrate such duties as they may designate from time to time.

LR48-TR79-20 SPECIAL JUDGE SELECTION IN CIVIL AND JUVENILE CASES

A. A copy of each pleading or each paper filed with the Court after a Special Judge has qualified shall be mailed or delivered by counsel to the office of that Special Judge with service to that Special Judge indicated on the certificate of service.

B. Pursuant to Trial Rule 79, should all remedies listed under 79 (D), (E), and (F) fail to produce a special judge then the appointment of an eligible special judge shall be made pursuant to local rule, as follows, in accordance with 79 (H).

C. The Madison County Clerk, on a rotating basis in consecutive order, shall select the eligible judge in Madison County as follows:

For all domestic relations or paternity cases:

Presiding Judge of the Madison Circuit Court
Presiding Judge of Superior Court, Division I
Presiding Judge of Superior Court, Division II
Presiding Judge of Superior Court, Division III

For all other case types:

Presiding Judge of the Madison Circuit Court
Presiding Judge of Superior Court, Division I
Presiding Judge of Superior Court, Division II

Presiding Judge of Superior Court, Division III
Presiding Judge of County Court, Division I
Presiding Judge of County Court, Division II

D. Should none of the above-referenced judges accept jurisdiction due to disqualification pursuant to the Code of Judicial Conduct, ineligibility for service under this rule, or excused from service by the Indiana Supreme Court, then the appointment shall be made at random by the Clerk from eligible judges within Administrative District 6 (Blackford, Delaware, Grant, Henry, Jay, and Randolph counties).

E. In the event that no judicial officer within Administrative District 6 is eligible to serve as special judge or the particular circumstances of the case warrant selection of a special judge by the Indiana Supreme Court the judge of the court in which the case is pending shall certify the matter to the Indiana Supreme Court for appointment of a special judge.

LR48-TR06-21 AUTOMATIC ENLARGEMENT OF TIME

An initial written motion for enlargement of time, pursuant to Trial Rule 6(B)(1), to respond to a claim shall be automatically allowed for an additional thirty (30) days from the original due date without written order of the Court. Any motion filed pursuant to this rule shall state the date when such response is due and the date to which time is enlarged. Said motion must be filed on or before the original due date or this rule shall not apply. No proposed order should be submitted. An enlargement in excess of thirty (30) days will be permitted by the Court only upon a showing of necessity. This rule does not apply to matters on the small claims docket.

LR48-TR53-22 CONTINUANCES

A. Unless made in open Court, motions for continuance shall be in writing and shall include the following information:

1. The date and time of the hearing or trial for which a continuance is being sought.
2. The date and time opposing counsel (or pro se opponent) was advised that a continuance would be requested.
3. Whether opposing counsel (or party) agrees with or objects to said request.
4. The reason a continuance is necessary and an estimate of the amount of time needed to elapse before the matter can be rescheduled.
5. A good-faith estimate of the time needed for such hearing or trial if rescheduled.
6. A proposed date and time available on the Court's calendar if all parties agree upon a new hearing date.
7. If the continuance is requested because of conflicts on counsel's trial calendar: the conflicting cause caption, cause number, current status of the conflicting cause, and the date said conflicting cause was set for hearing.

B. No motions for continuance will be considered unless filed at least five (5) days before a bench trial or hearing, unless good cause is shown, and at least ten (10) days before a jury trial, unless good cause is shown. No case shall be continued or removed from the trial calendar without approval of the court.

C. The continuance of a preliminary hearing is not favored and will NOT be granted when requested less than five (5) days before the hearing. A motion for change of venue from the Judge or county shall NOT cause a preliminary motion hearing to be continued where immediate or emergency_relief may be required.

D. All motions for continuances shall be accompanied by a proposed order containing a space for the Court to set a new date for the hearing or trial, or at the Court's election, directing the parties to contact the bailiff for a new trial date.

E. When an attorney enters an appearance, it is the attorney's responsibility to review the file and become aware of all previously scheduled hearing dates. Entry of an appearance just prior to a hearing will not necessarily constitute a reason for a continuance.

F. Unless otherwise indicated in the motion, a signature by an attorney on the request for continuance is certification by that attorney that their client has been notified of the request and of the reason for which the continuance is sought. If the client was not notified, the attorney shall state the specific reason(s) notice could not be given, and that the client will not be prejudiced by the continuance.

LR48-TR26-23 DISCOVERY TIME LIMITS

A. Discovery shall not be permitted in small claims actions, except by leave of Court.

B. In all other cases, discovery shall be completed within six months after the case is at issue, unless otherwise ordered by the Court. For good cause shown, time may be extended for completion of discovery.

C. Pursuant to Indiana Rules of Court, routine discovery shall not be accepted for filing except by leave of Court. However, the Court will accept for filing a one-page Notice of Service of Discovery or Notice of Compliance.

LR48-TR33-24 LIMITATION ON INTERROGATORIES

Interrogatories shall be limited to a total of fifty (50), including subparts, and be

used solely for the purpose of discovery and shall NOT be used as a substitute for the taking of a deposition. For good cause shown, additional interrogatories may be permitted.

LR48-TR73-25 EX PARTE MATTERS

A. All motions for which an ex parte order is requested or anticipated shall be filed with an appropriate proposed order for signature by the Court. No ex parte motion shall be considered unless the motion is verified by the petitioner. Unless waived by the Court, there shall be a recorded evidentiary hearing showing corroboration of the motion's allegations.

B. An ex parte order shall not be signed unless opposing counsel or the opposing party(s) have been notified, or unless an affidavit has been filed from petitioner's attorney which indicates attempts to notify opposing counsel or opposing party(s), or reasons supporting the claim that notice should not be required. See Matter of Anonymous 729 E.2d 566 (Ind.2000)

C. This rule shall not be triggered by ex parte matters that are merely procedural (e.g., compelling discovery, extensions of time, orders to appear). Further, a domestic relations mutual restraining order sought at the time a dissolution action is filed, which order prohibits harassment, violence, and dissipation of assets or which continues the status quo pending hearing, shall not trigger the requirement of this rule.

D. No ex parte relief shall be granted unless specific facts are presented, either at a hearing or by affidavit, that immediate and irreparable injury or loss or damage will result before an adverse party may be heard in opposition.

E. No ex parte protective order (PO) shall cancel or restrict an existing Order on child visitation or custody issued by a Court of competent jurisdiction unless the protective order specifically and clearly so directs and references the existing Order by cause number.

F. If ex parte relief is granted, a hearing shall be set and held within 10 days of the granting of such ex parte relief, and the adverse party shall be notified of said hearing. By seeking ex parte relief, a party waives any objection to said hearing being assigned to any available judicial officer.

LR48-TR3.1-26 ENTRY AND WITHDRAWAL OF APPEARANCE

A. Upon entering a cause, an attorney or law firm shall file a notice of appearance with the Court. In addition to the firm name, address, and phone number, said appearance shall include the individual name and attorney number of the lawyer who is to be identified on the Chronological Case Summary as principal counsel for purposes of notice or other Court Communication.

B. An attorney's appearance for a party will be withdrawn upon the filing of a motion, if:

1. Another attorney simultaneously appears for the party;
2. The attorney provides satisfactory evidence that the party has discharged the attorney; or
3. The party acquiesces to the withdrawal.

C. In all other circumstances, an attorney seeking permission to withdraw an appearance shall file a written motion stating justification for the withdrawal. The attorney shall give the party 21 days' written notice of the attorney's intention to seek permission to withdraw. This notice shall (1) inform the party that failure to secure new counsel may result in dismissal of the party's case or in entry of a judgment or ruling against the party, (2) set forth the date of any scheduled hearing or trial, and (3) include any other pertinent information.

D. Except for good cause shown, a withdrawal of appearance shall not be granted within 5 days of trial commencement.

LR48-TR40-27 TRIAL AND PROVISIONAL HEARING SETTINGS

A. Causes shall be calendared in consultation with opposing counsel and the Court. In the event counsel are unable to agree upon a trial setting, the moving party may file a motion for trial setting with the Court. A proposed CCS entry shall be submitted by moving counsel, or party, confirming the hearing date, time, and hearing officer.

B. All motions for trial setting shall include:

1. a statement indicating whether the matter is to be tried by jury or by the Court;
2. a statement indicating the estimated time required for trial;
3. a statement indicating efforts to set the cause by agreement have been unsuccessful.

C. Except by special leave of Court, provisional hearings shall be scheduled not less than fifteen (15) days after the filing of the motion.

LR48-TR05-28 TITLE IV-D

All pleadings, motions and other documents related to Title IV-D proceedings shall be filed with the Clerk of the Court, regardless of the Court of origin, and then taken to the court administrator's office. When ~~it~~ the Title IV-D Prosecutor's Office intervenes in an existing cause of action, the Office shall file a written appearance with a Title IV-D Court Reporter.

LR48-TR64-29 CIVIL WARRANTS

An arrest information form provided by the Clerk shall accompany every civil warrant and body attachment issued for contempt or failure to appear. The Clerk shall promptly transmit the warrant or body attachment to the Sheriff of Madison County who shall exercise due

diligence in the execution and service of the warrant or body attachment. Unless the face of the warrant directs otherwise, civil warrants which have not been served expire on the last day of the sixth month after date of issuance and shall be returned to the issuing Court for cancellation, renewal or other appropriate action.

LR48-TR10-30 PRO SE LITIGANTS (FORM OF PLEADING)

No pleading, ~~or~~ motion, or proposed CCS entry, shall be accepted for filing from a pro se party unless the litigant's current address and phone number and the current address and phone number of the opposing party appear on the pleading.

LR48-TR10-31 ORDERS/DECREEES (FORM OF)

A. The second and subsequent pages of all proposed orders shall contain an abbreviated case caption including the complete cause number.

B. Proposed orders and decrees shall be legible, dignified and appropriate to the cause. Mimeographed or printed orders will be accepted for filing only if legible, clearly understandable, and void of strike overs and erasures. The appropriate Judge's name shall be placed under the appropriate signature line. The name of the person preparing the document shall appear on the order or decree.

C. A proposed judgment or decree shall not be filed until such time the Court may grant the judgment or decree. Proposed divorce decrees shall not be submitted at the time the petition for dissolution is filed nor shall adoption decrees, garnishment orders, summary judgments or similar orders be submitted to the Court to be held in the Clerk's file for later use.

D. Whenever the Court directs counsel to submit proposed findings and conclusions, or a proposed decree or memorandum order, in addition to filing a hard copy of said submission to the clerk, counsel shall submit a copy of said submission directly to the Court on floppy disk (or other approved electronic media) in Microsoft Word format, or as an email attachment in Word format to the court reporter of the Court.

E. Proposed judgments or decrees submitted to the Court must be accompanied by a proposed CCS entry of six lines or less.

DECREEES AND ORDERS SIGNED BY NON-REGULAR JUDGES

F. All proposed orders or decrees filed by counsel following a hearing before the Magistrate, Commissioner, or Referee shall include the following language:

“This matter comes before the Magistrate/Commissioner, etc... (name) for hearing . . .” At the end of the decree or order, the following language should appear, followed by a line for the Magistrate/Commissioner’s, etc... signature “Recommended for Approval”. The following entry should appear after the Hearing Officer’s signature: “COMES NOW THE COURT AND ENTERS JUDGMENT ON THE COMMISSIONER’S FINDINGS AND RECOMMENDATIONS.”

/s/ _____
Judge

Commentary: This rule does not apply to Senior Judges, Temporary Judges, or Pro tems.

G. Notwithstanding the above, timely objections filed pursuant to Trial Rule 53(E)(2) will be given due consideration by the presiding Judge.

LR48-TR5(G)-32 FAX FILING

- A. A lawsuit or other original action may not be initiated by FAX. However, the Madison County Clerk shall accept subsequent pleadings, not exceeding ten (10) pages (including a cover page), during regular business hours and shall promptly file stamp and transmit said documents to the designated Court. The Clerk may assess a reasonable fee for accepting and processing FAX filings.
- B. Upon receipt of the FAX, the Court shall show the pleading filed. The original pleading and sufficient copies to effectuate distribution shall be mailed to the Court. The original pleading shall include a cover sheet or letter advising the Court that the attached documents are the originals of pleadings previously filed with the Court by FAX transmission.
- C. Any pleadings faxed to the Court shall be contemporaneously faxed, or otherwise promptly delivered, to the opposing party. The certificate of service shall stipulate the method of notification.

LR48-TR16-33 PRE-TRIAL CONFERENCE

- A. All trials which are scheduled for a full day or more on the trial calendar shall be docketed by counsel for pre-trial conference before the Court at least ten (10) days before the date of trial. Counsel should review the requirements of Trial Rule 16 in anticipation of the pre-trial conference.
- B. In small claim matters, all cases, except suits for possession of real estate, shall first be set for an informal trial where issues may be identified for purposes of a later formal trial, or where evidence may be heard and the case decided.

LR48-TR45-34 SUBPOENAS AND NOTICE OF HEARING

- A. Except in an emergency, a subpoena or notice of hearing will not be served by the Bailiff unless the same has been filed four (4) working days prior to a scheduled hearing. All subpoenas shall state a time and date calculated to minimize unnecessary delay and inconvenience to prospective witnesses.
- B. A copy of every subpoena issued by any party shall be promptly filed with the Court and noted on the Chronological Case Summary. The Clerk shall maintain a copy of the subpoena in the permanent case file.
- C. The failure to notify a subpoenaed witness that a cause has been continued or settled may result in an assessment of mileage and costs against counsel responsible for the failure.

LR48-TR05-35 SERVICE ON ATTORNEY (CHRONOLOGICAL CASE SUMMARY)

Copies of a Chronological Case Summary deposited in the Court mail box in respective attorneys' slots shall be considered notice of said Chronological Case Summary entries. Attorneys may use said mail boxes to facilitate "certificate of service" and in such case shall indicate on the served document that service was so effected.

Commentary: Service to opposing counsel by assigned court mailboxes is appropriate only in fresh cases. If cases have become stale, then traditional efforts at service should be employed.

LR48-TR4.11-36 REQUIREMENTS FOR SERVICE BY CERTIFIED MAIL

For service by certified mail, the attorney, or litigant pro se, shall provide a typed certified mail card and envelope for each litigant.

LR48-TR41-37 DELINQUENT LISTS

A. Any civil case pending for more than six months may be placed upon a delinquent list pursuant to Trial Rule 41(E). Any case so listed may, after 45 days, be dismissed at the cost of the filing party, except for good cause shown. Any case so dismissed may be deemed dismissed with prejudice as to all parties, unless otherwise ordered.

B. Any probate matter in which no filing has been made for more than one year may be placed upon a delinquent list. If no significant action is taken within 45 days thereafter, the Court may require the personal representative, and/or counsel to show cause why the Court should not impose an appropriate sanction.

C. Guardianships shall not be placed upon a delinquent list within two years after the issuance of letters of guardianship, the filing of an inventory, or the filing of a current account.

. EXHIBIT A

GUIDELINES FOR SUBMITTING COURT PLEADINGS

THESE COPIES ARE REQUIRED FOR THE COURT AND CLERKS OFFICE ONLY.
IF ANY COPIES ARE TO BE RETURNED TO THE ATTORNEY OR ATTORNEYS OFFICE
THEN ADDITIONAL COPIES ARE TO BE SUBMITTED.

ADOPTIONS:

1. MEDICAL HISTORY (FOR EACH CHILD)
ORIGINAL + 2
2. THREE PART ADOPTION FORM (PER EACH CHILD)
3. PETITION (SEND ADDITIONAL COPIES IF ATTORNEY NEEDS ANY BACK)
ORIGINAL + 3
4. CONSENTS (SEND ADDITIONAL COPIES IF ATTORNEY NEEDS ANY BACK)
ORIGINAL + 3
5. APPEARANCE (SEND ADDITIONAL COPIES IF ATTORNEY NEEDS ANY BACK)
ORIGINAL + 3
6. DECREE OF ADOPTION (SEND ADDITIONAL COPIES IF ATTORNEY NEEDS ANY BACK)
ORIGINAL + 3

CITATION:

1. CITATION ONLY TO BE SERVED PERSONAL SERVICE
ORIGINAL + 3
2. CITATION ONLY TO BE SENT CERTIFIED MAIL
ORIGINAL + 2- GREEN CARD AND
ENVELOPE ARE TO BE PROVIDED BY
THE ATTORNEYS OFFICE.

COMPLAINT:

1. PERSONAL SERVICE (PER DEFENDANT)
ORIGINAL + 2
2. CERTIFIED MAIL (PER DEFENDANT)
ORIGINAL + 1
GREEN CARD AND ENVELOPE TO BE
PROVIDED BY THE ATTORNEYS OFFICE

DECREES:

1. ORIGINAL + 1 (FOR ORDER BOOK AND THE FILE)
IF DISTRIBUTION IS TO BE MADE BY THE CLERK TO THE
PARTIES BY REGULAR MAIL 2 ADDITIONAL COPIES AND
ADDRESSED ENVELOPES ARE TO BE PROVIDED BY THE
ATTORNEYS OFFICE. (IF ATTORNEY NEEDS COPY SEND EXTRA)

THESE COPIES ARE REQUIRED FOR THE COURTS AND CLERKS OFFICE ONLY.
IF ANY COPIES ARE TO BE RETURNED TO THE ATTORNEY OR ATTORNEYS OFFICE
THEN ADDITIONAL COPIES ARE TO BE SUBMITTED.

FINAL ORDERS:

1. ORIGINAL + 4

INCOME WITHHOLDING OR WAGE ASSIGNMENTS:

1. ORIGINAL + 4

MENTAL HEALTH PETITIONS:

1. ORIGINAL + 4

NOTICE OF HEARING:

1. ORIGINAL + 3 (FOR EACH DEFENDANT) PERSONAL SERVICE
2. ORIGINAL + 2 (FOR EACH DEFENDANT) CERTIFIED MAIL
GREEN CARD AND ENVELOPES TO BE PROVIDED.

ORDER TO APPEAR:

1. ORIGINAL + 4 (FOR EACH DEFENDANT) PERSONAL SERVICE
2. ORIGINAL + 2 (FOR EACH DEFENDANT) CERTIFIED MAIL
GREEN CARD AND ENVELOPES TO BE PROVIDED.

PETITION TO MODIFY:

1. ORIGINAL + 2

PETITION FOR DISSOLUTION:

1. ORIGINAL + 2

QDRO:

1. ORIGINAL + 3 GREEN CARD AND ENVELOPE (PER ONE EMPLOYER)

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IF ANY COPIES ARE TO BE RETURNED TO THE ATTORNEY OR ATTORNEYS OFFICE
THEN ADDITIONAL COPIES ARE TO BE SUBMITTED.

MOTION FOR SUMMARY JUDGMENT:

1. ORIGINAL + 3 (PER DEFENDANT OR GARNISHMENT DEFENDANT)
IF YOU HAVE A SUMMONS, CITATION, SUBPOENA, NOTICE OF HEARING,
OR AN ORDER TO APPEAR, AND OTHER PAPERWORK THAT NEEDS TO GO
WITH IT. (EX: PETITION, MOTIONS, ETC.) AND IT IS TO GO PERSONAL
SERVICE. WE NEED 4 OF THE SUMMONS, ETC., AND 3 OF EVERYTHING
ELSE PER PERSON. IF ITS TO GO CERTIFIED MAIL, THE ATTORNEY
NEEDS TO PROVIDE THE GREEN CARD AND ENVELOPE PER PERSON.

ORDERS AND JUDGMENTS:

1. ORIGINAL + 4. IF REGULAR MAIL, PROVIDE ENVELOPE. IF CERTIFIED MAIL,
PROVIDE GREEN CARD AND ENVELOPE. (PER PERSON)

PROCEEDINGS SUPPLEMENTAL:

1. ORIGINAL + 4 PER DEFENDANT

ORDERS:

1. ORIGINAL + 4 PER DEFENDANT
IF TO GO CERTIFIED MAIL, PROVIDE GREEN CARD AND ENVELOPE.

PROPERTY SETTLEMENT:

1. ORIGINAL + 1
(IF THIS NEEDS SENT TO EITHER PARTY YOU WILL NEED TO PROVIDE
EXTRA COPIES. REGULAR MAIL 1 COPY PER DEFENDANT AND
ENVELOPE. CERTIFIED MAIL 2 PER DEFENDANT, GREEN CARD
AND ENVELOPE.)

RESTRAINING ORDERS
AND PROTECTIVE ORDERS:

1. WITH ALL PROTECTIVE ORDERS AND RESTRAINING ORDERS
(TEMPORARY OR PERMANENT) NEED 3 COVER SHEETS TO
GO TO THE POLICE DEPARTMENTS.
2. ORIGINAL + 9 (THIS INCLUDES 1 COPY TO BE GIVEN TO BOTH ATTORNEYS)

THESE COPIES ARE REQUIRED FOR THE COURTS AND CLERKS OFFICE ONLY.
IF ANY COPIES ARE TO BE RETURNED TO THE ATTORNEY OR ATTORNEYS OFFICE
THEN ADDITIONAL COPIES ARE TO BE SUBMITTED.

RECIPROCAL SUPPORT:

1. ORIGINAL + 5

SUBPOENAS:

1. ORIGINAL + 3 (PERSONAL SERVICE)
2. ORIGINAL + 3 (CERTIFIED MAIL, GREEN CARD AND ENVELOPE)

SUMMONS:

1. ORIGINAL + 3 (PERSONAL SERVICE)
2. ORIGINAL + 2 (CERTIFIED MAIL, GREEN CARD AND ENVELOPE)

TORT CLAIM:

1. ORIGINAL + 2 PER DEFENDANT (PERSONAL SERVICE)
2. ORIGINAL + 1 PER DEFENDANT (CERTIFIED MAIL, GREEN CARD AND ENVELOPE)

PATERNITY ORDERS:

1. ORIGINAL + 6
2. VOLUNTARY PETITION-ORIGINAL ONLY
3. INVOLUNTARY PETITION-ORIGINAL + 2
4. SUMMONS-ORIGINAL + 2

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IF ANY COPIES ARE TO BE RETURNED TO THE ATTORNEY OR ATTORNEYS OFFICE
THEN ADDITIONAL COPIES ARE TO BE SUBMITTED.

PROBATE

ESTATES:

1. ORIGINALS OF EVERYTHING
TWO ORDERS FOR OFFICE +
COPIES OF ORDERS FOR FILES
2. NOTICES TO HEIRS WITH ENVELOPES
NEED ORIGINAL PETITIONER, OATH, WAIVERS, NOTICES,
CERTIFICATE OF CLERK, ETC.
SUBMIT TWO ADDITIONAL COPIES OF ORDER (FOR FILE)
SUBMIT NOTICE (FOR THE NEWSPAPER)

GUARDIANSHIP & TRUSTS:

1. ORIGINALS OF EVERYTHING
TWO ORDERS FOR OFFICE +
COPIES OF ORDERS FOR FILES
2. PERSONAL SERVICE
TWO COPIES
3. NEED ORIGINAL PETITION, CONSENTS, OATH, WAIVER, ETC.
SUBMIT TWO ADDITIONAL COPIES OF ORDER (FOR FILE)
4. CERTIFIED MAIL AND NOTICE OF HEARING
TWO COPIES + GREEN CARD ADDRESSED

INHERITANCE TAX SCHEDULE:

1. ORIGINAL + 2

INVENTORY:

1. ORIGINAL ONLY

FINAL ACCOUNTING:

1. ORIGINAL ONLY
2. NEED ORIGINAL PETITION, WAIVERS, CERTIFICATE OF CLERK, ETC.
SUBMIT TWO ADDITIONAL COPIES OF ORDER (FOR FILE).
NOTICES TO HEIRS WITH ENVELOPES

CLAIMS:

1. ORIGINAL + 2
ONE FILE MARKED COPY WILL BE RETURNED.
ONE COPY WILL BE SENT TO ATTORNEY OF RECORD, AND
ORIGINAL WILL BE KEPT ON FILE.

COMMENTS:

PLEASE USE SHORT FORMS. IF YOU DO NOT HAVE THESE FORMS, OBTAIN THEM FROM THE PROBATE OFFICE. PETITIONS AND ORDERS SHALL BE SUBMITTED ON SEPARATE PAGES.
